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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/917,010	BROWN ET AL.
	Examiner	Art Unit
	James Sheleheda	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-76 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, 44, 46 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (Huang) (6,437,836).

As to claim 1, Huang discloses a method for providing personalized, wireless television programming together with program information for programs matching the viewer's preferences using a wireless hand-held computing device (Figs. 1A-B; column 5, lines 22-30), comprising the steps of:

receiving programming codes (control codes; column 4, lines 7-14) in combination with corresponding television programming information (column 5, lines 22-30);

inputting, by a viewer, a name of a selected program for viewing (column 5, lines 22-30 and column 8, lines 18-31); and

utilizing the wireless hand-held computing device to select, automatically, the programming code for the selected program for viewing (column 6, lines 27-53) and to activate the television when the selected program is selected (column 8, lines 22-31).

As to claim 3, Huang discloses wherein the programming codes are codes for a personal digital assistant to use to program cable boxes (column 3, line 56-column 4, line 14).

As to claim 4, Huang discloses wherein utilizing the wireless hand-held computing device includes utilizing programming software in the wireless hand-held computing device (Fig. 2; column 6, lines 4-31).

As to claim 44, Huang discloses a wireless hand-held computing device (Figs. 1A-1B) arranged for providing personalized, wireless television programming together with program information for programs matching the viewer's preferences (column 5, lines 22-30), comprising:

a wireless code receiver (column 4, lines 8-14), arranged to receive programming codes (control codes; column 4, lines 7-14) in combination with corresponding television programming information (column 5, lines 22-30) and to send said codes and said programming information to a memory unit coupled to a processor (Fig. 2; column 4, lines 7-14, column 5, lines 15-31 and column 6, lines 4-31);

a plurality of programming input buttons (Figs. 1A, 5 and 6; column 5, lines 37-63), coupled to the processor, for inputting, by a viewer, names of selected programs for viewing (column 5, lines 22-30 and column 8, lines 18-31);

programming software, loaded in the processor (Fig. 2), for selecting, automatically, the programming codes for the selected program for viewing (column 6, lines 27-53), automatically activating the television when the selected programs are broadcast (column 8, lines 22-31); and

the processor, coupled to the memory unit and the plurality of program buttons (Fig. 2), with the programming software loaded thereon, for utilizing the programming software (column 6, lines 4-31).

As to claim 46, Huang discloses wherein the programming codes are codes for a personal digital assistant to use to program cable boxes (column 3, line 56-column 4, line 14).

As to claim 47, Huang discloses wherein the wireless hand-held computing device includes programming software (Fig. 2; column 6, lines 4-31).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-43 and 48-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Maissel et al. (Maissel) (6,637,029).

As to claim 61, while Huang discloses a wireless hand-held computing device (Figs. 1A-1B) for providing personalized, wireless television programming together with program information for programs matching the viewer's preferences (column 5, lines 22-30), comprising:

a wireless Internet access unit (column 4, lines 8-14), arranged to provide for downloading programming codes (control codes; column 4, lines 7-14) in combination with corresponding television programming information from the Internet (column 5, lines 22-30) to a memory unit that is coupled to a processor (Fig. 2; column 4, lines 7-14, column 5, lines 15-31 and column 6, lines 4-31);

a plurality of programming input buttons (Figs. 1A, 5 and 6; column 5, lines 37-63), coupled to the processor, for inputting, by a viewer, names of selected programs for viewing (column 5, lines 22-30 and column 8, lines 18-31);

programming software, loaded in the processor (Fig. 2), to select, automatically, programming codes for the selected programs for viewing (column 6, lines 27-53), to activate the television when the selected programs are broadcast (column 8, lines 22-31); and

the processor, coupled to the memory unit and the plurality of program buttons (Fig. 2), with the programming software loaded thereon, for utilizing the programming

software (column 6, lines 4-31), he fails to specifically disclose indicating when at least one television program that matches the viewer's preferences is to be shown.

In an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to identify user preferences (column 12, lines 16-45) and indicate when at least one television program that matches the viewer's preferences is to be shown (Fig. 1; column 13, lines 35-47, column 10, lines 12-22 and column 14, lines 7-18) for the typical benefit of notifying the user of programming of interest (Fig. 1; column 6, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include indicating when at least one television program that matches the viewer's preferences is to be shown, as taught by Maissel, for the typical benefit providing notice to a user of an upcoming program of interest.

As to claim 62, while Huang and Maissel disclose programming codes for programming a video cassette recorder to activate the television when the selected programs are broadcast, he fails to specifically disclose wherein the programming codes are video cassette recorder plus codes and indicating when at least one television program that matches the viewer's preferences is to be shown.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize video cassette recorder plus (VCR+) codes, the widely recognized code system utilized by Gemstar to indicate to a receiver the

channels and broadcast times of a program, for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include video cassette recorder plus codes for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

As to claim 63, Huang and Maissel disclose wherein the programming codes are codes for a personal digital assistant to use to program cable boxes (see Huang at column 3, line 56-column 4, line 14).

As to claim 64, Huang and Maissel disclose wherein the wireless handheld computing device indicates when at least one television program that matches the viewer's preferences is to be shown (see Maissel at Fig. 1; column 13, lines 35-47, column 10, lines 12-22 and column 14, lines 7-18).

As to claim 66, Huang and Maissel disclose wherein the programming software displays on a video screen a name of the at least one television program that matches the viewer's preferences (see Maissel at Fig. 1), a channel on which the at least one television program is being shown (see Maissel at Fig. 1), and a time the at least one television program is being shown (see Maissel at Fig. 1).

As to claim 67, Huang and Maissel disclose wherein the video screen is located on the wireless hand-held computing device (see Huang at Fig. 1A).

As to claim 68, Huang and Maissel disclose wherein the video screen is located on a television showing a program the viewer has selected for viewing (see Maissel at Fig. 1).

As to claim 70, Huang and Maissel disclose wherein the video screen is a screen of a television (see Maissel at Fig. 1) and information for the at least one television program that matches the viewer's preferences is shown immediately prior to the program selected by the viewer (see Maissel at Fig. 1).

As to claim 71, Huang and Maissel disclose wherein the programming software includes tracking and forecasting software that records names of programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 72, Huang and Maissel disclose wherein the programming software includes tracking and forecasting software to forecast preferences of the viewer based on the names of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 73, Huang and Maissel disclose wherein the programming software includes tracking and forecasting software that records the types of programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 74, Huang and Maissel disclose wherein the programming software includes tracking and forecasting software to forecast preferences of the viewer based on the types of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 75, Huang and Maissel disclose wherein the programming software includes tracking and forecasting software in the wireless handheld computer to record keywords for programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 76, Huang and Maissel disclose wherein the programming software includes tracking and forecasting software to forecast preferences of the viewer based on the keywords of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claims 5 and 48, while Huang disclose a wireless handheld computing device, he fails to specifically disclose indicating when at least one television program that matches the viewer's preferences is to be shown.

In an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to identify user preferences (column 12, lines 16-45) and indicate when at least one television program that matches the viewer's preferences is to be shown (Fig. 1; column 13, lines 35-47, column 10, lines 12-22 and column 14, lines 7-18) for the typical benefit of notifying the user of programming of interest (Fig. 1; column 6, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include indicating when at least one television program that matches the viewer's preferences is to be shown, as taught by Maissel, for the typical benefit providing notice to a user of an upcoming program of interest.

As to claim 7 and 50, while Huang discloses displaying on a video screen, by the programming software, a name of at least one television program (Fig. 1A), a channel on which the at least one television programming is being shown (Fig. 1A), and a time the at least one television program is being shown (Fig. 1A), he fails to specifically disclose displaying a program that matches the viewer's preferences.

In an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to identify user preferences (column 12, lines 16-45) and display a name, channel and start time of at least one television program that matches the viewer's preferences (Fig. 1; column 13, lines 35-47, column 10, lines 12-22 and column 14,

lines 7-18) for the typical benefit of notifying the user of programming of interest (Fig. 1; column 6, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include displaying a program that matches the viewer's preferences, as taught by Maissel, for the typical benefit providing notice to a user of an upcoming program of interest.

As to claims 8 and 51, Huang and Maissel disclose wherein the video screen is located on the wireless hand-held computing device (see Huang at Fig. 1A).

As to claims 9 and 52, Huang and Maissel disclose wherein the video screen is located on a television showing a program the viewer has selected for viewing (see Maissel at Fig. 1).

As to claims 11 and 54, Huang and Maissel disclose wherein the video screen is a screen of a television (see Maissel at Fig. 1) and information for the at least one television program that matches the viewer's preferences is shown immediately prior to the program selected by the viewer (see Maissel at Fig. 1).

As to claims 12 and 55, while Huang discloses utilizing the wireless hand-held computing device to select, automatically, the programming code for the selected program for viewing (column 6, lines 27-53) and to activate the television when the

selected program is selected (column 8, lines 22-31), he fails to specifically disclose using tracking and forecasting software for recording names of programs watched by the viewer.

In an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to track and record names of programs watched by the viewer (column 12, lines 16-45 and column 11, lines 7-37) for the typical benefit of identifying user programming preferences (column 12, lines 16-45).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include using tracking and forecasting software for recording names of programs watched by the viewer, as taught by Maissel, for the typical benefit of allowing a television system to identify the user's preferred programming.

As to claims 13 and 56, Huang and Maissel disclose wherein using the tracking and forecasting software in the wireless handheld computer includes forecasting preferences of the viewer based on the names of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 14, Huang and Maissel disclose wherein utilizing the wireless handheld computing device to select, automatically, the programming code for the selected program for viewing and to activate the television when the selected program is

broadcast includes tracking and forecasting software in the wireless handheld computer for recording types of programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 57, while Huang discloses utilizing the wireless hand-held computing device to select, automatically, the programming code for the selected program for viewing (column 6, lines 27-53) and to activate the television when the selected program is selected (column 8, lines 22-31), he fails to specifically disclose using tracking and forecasting software for recording types of programs watched by the viewer.

In an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to track and record types of programs watched by the viewer (column 12, lines 16-45 and column 11, lines 7-37) for the typical benefit of identifying user programming preferences (column 12, lines 16-45).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include using tracking and forecasting software for recording types of programs watched by the viewer, as taught by Maissel, for the typical benefit of allowing a television system to identify the user's preferred programming.

As to claims 15 and 58, Huang and Maissel disclose wherein using the tracking and forecasting software in the wireless handheld computer includes forecasting preferences of the viewer based on the types of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 59, while Huang discloses utilizing the wireless hand-held computing device to select, automatically, the programming code for the selected program for viewing (column 6, lines 27-53) and to activate the television when the selected program is selected (column 8, lines 22-31), he fails to specifically disclose using tracking and forecasting software for recording keywords of programs watched by the viewer.

In an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to track and record keywords of programs watched by the viewer (column 12, lines 16-45 and column 11, lines 7-37) for the typical benefit of identifying user programming preferences (column 12, lines 16-45).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include using tracking and forecasting software for recording keywords of programs watched by the viewer, as taught by Maissel, for the typical benefit of allowing a television system to identify the user's preferred programming.

As to claims 16 and 60, Huang and Maissel disclose wherein utilizing the wireless hand-held computing device to select, automatically, the programming code for the selected program for viewing and to activate the television when the selected program is broadcast includes tracking and forecasting software in the wireless handheld computer for recording keywords for programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 17, Huang and Maissel disclose wherein using the tracking and forecasting software in the wireless handheld computer includes forecasting preferences of the viewer based on the keywords of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 18, while Huang discloses a method for providing personalized, wireless television programming together with program information for programs matching the viewer's preferences using a wireless hand-held computing device (Figs. 1A-B; column 5, lines 22-30), comprising the steps of:

receiving programming codes (control codes; column 4, lines 7-14) in combination with corresponding television programming information (column 5, lines 22-30);

inputting, by a viewer, a name of a selected program for viewing (column 5, lines 22-30 and column 8, lines 18-31); and

utilizing the wireless hand-held computing device to select, automatically, the programming code for the selected program for viewing (column 6, lines 27-53) and to activate the television when the selected program is selected (column 8, lines 22-31), he fails to specifically disclose wherein the programming codes are video cassette recorder plus codes and indicating when at least one television program that matches the viewer's preferences is to be shown.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize video cassette recorder plus (VCR+) codes, the widely recognized code system utilized by Gemstar to indicate to a receiver the channels and broadcast times of a program, for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

Additionally, in an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to identify user preferences (column 12, lines 16-45) and indicate when at least one television program that matches the viewer's preferences is to be shown (Fig. 1; column 13, lines 35-47, column 10, lines 12-22 and column 14, lines 7-18) for the typical benefit of notifying the user of programming of interest (Fig. 1; column 6, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include video cassette recorder plus codes for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include indicating when at least one television program that matches the viewer's preferences is to be shown, as taught by Maissel, for the typical benefit providing notice to a user of an upcoming program of interest.

As to claim 20, Huang and Maissel disclose displaying on a video screen, by the programming software, a name of the at least one television program that matches the viewer's preferences (see Maissel at Fig. 1), a channel on which the at least one television program is being shown (see Maissel at Fig. 1), and a time the at least one television program is being shown (see Maissel at Fig. 1).

As to claim 21, Huang and Maissel disclose wherein the video screen is located on the wireless hand-held computing device (see Huang at Fig. 1A).

As to claim 22, Huang and Maissel disclose wherein the video screen is located on a television showing a program the viewer has selected for viewing (see Maissel at Fig. 1).

As to claim 24, Huang and Maissel disclose wherein the video screen is a screen of a television (see Maissel at Fig. 1) and information for the at least one television

program that matches the viewer's preferences is shown immediately prior to the program selected by the viewer (see Maissel at Fig. 1).

As to claim 25, Huang and Maissel disclose wherein utilizing the programming software includes using tracking and forecasting software that records names of programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 26, Huang and Maissel disclose wherein using the tracking and forecasting software in the programming software of the wireless handheld computer includes forecasting preferences of the viewer based on the names of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 27, Huang and Maissel disclose wherein utilizing the programming software includes using tracking and forecasting software that records the types of programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 28, Huang and Maissel disclose wherein using the tracking and forecasting software in the programming software of the wireless handheld computer includes forecasting preferences of the viewer based on the types of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 29, Huang and Maissel disclose wherein utilizing the programming software includes using tracking and forecasting software in the wireless handheld computer to record keywords for programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 30, Huang and Maissel disclose wherein using the tracking and forecasting software in the programming software of the wireless handheld computer includes forecasting preferences of the viewer based on the keywords of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 31, while Huang discloses a method for providing for providing personalized, wireless television programming together with program information for programs matching the viewer's preferences (column 5, lines 22-30) using a wireless handheld computing device (Fig. 1A), comprising the steps of:

downloading programming codes (control codes; column 4, lines 7-14) in combination with corresponding television programming information from the Internet (column 5, lines 22-30);

inputting, by a viewer, names of selected programs for viewing (column 5, lines 22-30 and column 8, lines 18-31); and

utilizing programming software in the wireless handheld computing device to select, automatically, programming codes for the selected programs for viewing (column

6, lines 27-53), to program the video cassette recorder to activate the television when the selected programs are broadcast (column 8, lines 22-31), he fails to specifically disclose wherein the programming codes are video cassette recorder plus codes and indicating when at least one television program that matches the viewer's preferences is to be shown.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize video cassette recorder plus (VCR+) codes, the widely recognized code system utilized by Gemstar to indicate to a receiver the channels and broadcast times of a program, for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

Additionally, in an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which will monitor user actions (column 11, line 56-column 12, line 15) to identify user preferences (column 12, lines 16-45) and indicate when at least one television program that matches the viewer's preferences is to be shown (Fig. 1; column 13, lines 35-47, column 10, lines 12-22 and column 14, lines 7-18) for the typical benefit of notifying the user of programming of interest (Fig. 1; column 6, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include video cassette recorder plus codes for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include indicating when at least one television program that matches the viewer's preferences is to be shown, as taught by Maissel, for the typical benefit providing notice to a user of an upcoming program of interest.

As to claims 19, 32 and 65, while Huang and Maissel disclose activating, by the programming software, an alert for the viewer when a selected program is being broadcast (on-screen alert; see Maissel at Fig. 1), they fail to specifically disclose an audio alert.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize an audio alert, which can then be heard by users who aren't actively watching the display, for the typical benefit of alerting users to relevant programming while they are in another room or have stopped looking at the display.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang and Maissel's system to include an audio alert for the typical benefit of alerting users to relevant programming while they are in another room or have stopped looking at the display.

As to claim 33, Huang and Maissel disclose displaying on a video screen, by the programming software, a name of the at least one television program that matches the

viewer's preferences (see Maissel at Fig. 1), a channel on which the at least one television program is being shown (see Maissel at Fig. 1), and a time the at least one television program is being shown (see Maissel at Fig. 1).

As to claim 34, Huang and Maissel disclose wherein the video screen is located on the wireless hand-held computing device (see Huang at Fig. 1A).

As to claim 35, Huang and Maissel disclose wherein the video screen is located on a television showing a program the viewer has selected for viewing (see Maissel at Fig. 1).

As to claim 37, Huang and Maissel disclose wherein the video screen is a screen of a television (see Maissel at Fig. 1) and information for the at least one television program that matches the viewer's preferences is shown immediately prior to the program selected by the viewer (see Maissel at Fig. 1).

As to claim 38, Huang and Maissel disclose wherein utilizing the programming software includes using tracking and forecasting software that records names of programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 39, Huang and Maissel disclose wherein using the tracking and forecasting software in the programming software of the wireless handheld computer includes forecasting preferences of the viewer based on the names of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 40, Huang and Maissel disclose wherein utilizing the programming software includes using tracking and forecasting software that records the types of programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 41, Huang and Maissel disclose wherein using the tracking and forecasting software in the programming software of the wireless handheld computer includes forecasting preferences of the viewer based on the types of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claim 42, Huang and Maissel disclose wherein utilizing the programming software includes using tracking and forecasting software in the wireless handheld computer to record keywords for programs watched by the viewer (see Maissel at column 12, lines 16-45 and column 11, lines 7-37).

As to claim 43, Huang and Maissel disclose wherein using the tracking and forecasting software in the programming software of the wireless handheld computer

includes forecasting preferences of the viewer based on the keywords of programs watched by the viewer (see Maissel at column 12, lines 16-45).

As to claims 6 and 49, while Huang discloses programming software, he fails to specifically disclose activating an audio alert for the viewer when a selected program is being broadcast.

In an analogous art, Maissel discloses an electronic program guide (Fig. 9A; column 11, lines 7-64) which activate an alert when a selected program is being broadcast (Fig. 1; column 6, lines 1-6) for the typical benefit of notifying the user of the start of programming of interest (Fig. 1; column 6, lines 1-6).

Additionally, the examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize an audio alert, which can then be heard by users who aren't actively watching the display, for the typical benefit of alerting users to relevant programming while they are in another room or have stopped looking at the display.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include activating an audio alert for the viewer when a selected program is being broadcast, as taught by Maissel, for the typical benefit of notifying the user of the start of programming of interest.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang and Maissel's system to include an audio

alert for the typical benefit of alerting users to relevant programming while they are in another room or have stopped looking at the display.

As to claims 10, 23, 36, 53 and 69, while Huang and Maissel disclose wherein the video screen is a television, they fail to specifically disclose a picture-in-picture on the television.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a picture-in-picture on the television, which encompasses a small portion of the total screen, to display information to a viewer for the typical benefit of providing information in more user friendly unobtrusive manner by only utilizing a small portion of the display.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang and Maissel's system to include a picture-in-picture on the television for the typical benefit of providing information in more user friendly unobtrusive manner by only utilizing a small portion of the display.

5. Claims 2 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang.

As to claims 2 and 45, while Huang discloses programming codes for programming a video cassette recorder to activate the television when the selected programs are broadcast, he fails to specifically disclose wherein the programming

codes are video cassette recorder plus codes and indicating when at least one television program that matches the viewer's preferences is to be shown.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize video cassette recorder plus (VCR+) codes, the widely recognized code system utilized by Gemstar to indicate to a receiver the channels and broadcast times of a program, for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Huang's system to include video cassette recorder plus codes for the typical benefit of conforming to a widely and utilized known code system for identifying television programming.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander et al. (6,177,931).

Kubischta et al. (US 2002/0042915 A1).

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information

Art Unit: 2617

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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